



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,806	04/10/2001	William L. Thomas	UV-196	9835
1473	7590	10/05/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/829,806

Applicant(s)

THOMAS ET AL.

Examiner

Annan Q. Shang

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 84-183 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 84-183 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/02; 2/02; 1/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 149 is objected to because of the following informalities: In claim 149, line 1, it appears "The system of claim 39" should be changed to "The system of claim 147" since claim 39 is a cancelled claim, and claim 149 can not depend on a cancelled claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 84-90, 93-115, 118-140, 143-165 and 168-183 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ohkura et al (5,737,029)** in view of **Knowles et al (6,505,348)**.

As to claim 84, note the **Ohkura** reference figures 1 and 13, discloses image reception controller and method with ordered display of previously viewed channels and further discloses method for allowing a user of an interactive media guide to access media provided by a plurality of media sources, the method comprising:

Providing one or more media group options (CPU 29 of IRD-2 "a user equipment" provides media options, NEWS, MOVIE, SPORTS, etc., figs 13, 16-21, 25 and col.8,

lines 27-52), where the media group options indicate media available to the user without indicating any of the content, title, or source of the media, note that when the user presses the Menu key on the remote control (RC) 5, CPU-29 operates on Decoder-25 to display a menu as shown in fig. 13, which indicates media available to the user without indicating the content, title or the source of the media;

Providing a plurality of media indicators (small-frame pictures CNN1, CNN2, ABC, XXX, XXX, etc.,) in response to the user selecting a media group option, where the media indicators are associated with the selected media group option, where the plurality of media indicators identify media provided by at least one of the plurality of media sources (CNN1, CNN2, ABC, XXX, etc.,), and where the plurality of media indicators includes media indicator for unscheduled media (figs.12-22, col.8, lines 7-21 and lines 49-62, note that the small-frame pictures identifies media provide by the media sources and are associated with the selected media group); and

Performing an action associated with a media indicator in response to the user selecting a media indicator from the plurality of media indicators (fig.16 and col.9, line 46-col.10, line 23), note that a user who intends to receive a broadcasting channel of the category, controls operational knob 52 of RC-5 to select appropriate channel (figs.17-22 and col.10, line 53-col.11, line 12).

Ohkura fails to explicitly teach where the plurality of media indicators includes a first media indicator for scheduled media and second media indicator for unscheduled media.

However, note the **Knowles** reference discloses multiple interactive electronic program guide system and methods, which includes media indicators for Scheduled Event List and unscheduled event (figs.21, 31 and col.22, line 51-col.23, line 18).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Knowles into the system of Ohkura to enable the user to identify scheduled and unscheduled program listing or guide.

As to claim 85, Ohkura further discloses providing media that is identified by the selected media indicator in response to the user selecting the media indicator (col.22, line 51-col.23, line 18).

As to claim 86, Ohkura further discloses indicating the number of presently available media that are associated with the media group option (col.10, lines 15-24), note that the five same-frame pictures of channels indicates available channels associated with the media group.

As to claims 87-89, Ohkura further discloses where the media group options, are defined by the user, meet user-defined criteria and where the user-defined criteria is a user-defined search (col.7, line 63-col.8, line 21).

As to claim 90, Ohkura further discloses where the plurality of media group options comprises at least one of a recent favorites media group option, an old favorites media group option, a recommendations media group option, browsing media group option, special interest media group option, a categories media group option, or a preview scan media group option (figs.13 and col.8, lines 27-56).

As to claim 93-96, Ohkura further discloses where the plurality of media indicators are associated with browsing media group option and are presented in response to the user selecting the browsing media group option (figs.13-22, col.8, lines 27-56 and col.9, line 37-col.10, line 1+), the method further comprising displaying in a video window content corresponding to the selected media indicator associated with the browsing media group option in response to the user selecting a media indicator associated with the browsing media group option, where the video content is current available (col.9, lines 21-58), where the video is a video clip and the video content is a video trailer (figs.13-22, col.8, lines 27-56 and col.9, line 37-col.10, line 1+).

As to claim 97-99, Ohkura further discloses displaying a plurality of media sub-group options (such groups of NEWS, MOVIES, SPORT, etc., figs. 16-22) associated with the categories media group option in response to the user selecting the categories media option; and displaying the plurality of media indicators in response to the user selecting a media sub-group option, where the media indicators are associated with the selected media group option (figs.13-22, col.8, lines 27-56 and col.9, line 37-col.10, line 24, line 53-col.11, line12) and indicates the number of media indicators that are associated with each of the plurality of media sub-group options and comprises sports sub-group option, popular shows, a premier and a group sub-group option.

As to claim 100, Ohkura further discloses displaying the plurality of media indicators in response to the user selecting the preview scan (fig.13, Browsing) media group option, where the plurality of media indicators are associated with the preview scan media group option, and displaying in a video window video content corresponding

to a selected media indicator in response to the user selecting a media indicator associated with the preview scan media group option (col.8, line 22-41), note also that Knowles further teaches allowing the user to browse through channels (Knowles col.3, lines 33-40, col.4, lines 63-67 and col. 5, lines 4-9).

As to claim 101, Ohkura further discloses obtaining media from a local file server, a remote file server, a pre-recorded videotape, a television station or audio station (fig.1, VCR, DVD, etc., col.3, line 35-col.4, line 5).

Claim 102 is met as previously discussed with respect to claim 97.

Claim 103 is met as previously discussed with respect to claim 98.

As to claim 104, Ohkura further discloses where the plurality of media sub-group options indicate presently available media by indicating the content, title or source of the media (col.10, lines 15-23 and line 53-col.11, line 1+).

Claim 105 is met as previously discussed with respect to claim 100.

Claim 106 is met as previously discussed with respect to claim 87-89.

As to claim 107-108, Ohkura further discloses where the media sub-group options are displayed according to criteria defined by a remote service created dynamically (col.7, line 39-col.8, line 21).

As to claim 109, the claimed "an interactive media guide system for allowing a user to access media...comprising..." contains the same structural elements that were discussed in the rejection of claim 84.

Claim 110 is met as previously discussed with respect to claim 85.

Claim 111 is met as previously discussed with respect to claim 86.

Claims 112-114 are met as previously discussed with respect to claims 87-89.

Claim 115 is met as previously discussed with respect to claim 90.

Claims 118-121 are met as previously discussed with respect to claims 93-96.

Claims 122-124 are met as previously discussed with respect to claims 97-99.

Claim 125 is met as previously discussed with respect to claim 100.

Claim 126 is met as previously discussed with respect to claim 101.

Claim 127 is met as previously discussed with respect to claim 97.

Claim 128 is met as previously discussed with respect to claim 98.

Claim 129 is met as previously discussed with respect to claim 104.

Claim 130 is met as previously discussed with respect to claim 100.

Claim 131 is met as previously discussed with respect to claims 87-89.

Claims 132-133 are met as previously discussed with respect to claims 107-108.

As to claim 134, the claimed “an interactive media guide system for allowing user to access media...comprising...” contains the same structural elements that were discussed in the rejection of claim 84.

Claim 135 is met as previously discussed with respect to claim 85.

Claim 136 is met as previously discussed with respect to claim 86.

Claims 137-139 are met as previously discussed with respect to claims 87-89.

Claim 140 is met as previously discussed with respect to claim 90.

Claims 143-146 are met as previously discussed with respect to claims 93-96.

Claims 147-149 are met as previously discussed with respect to claims 97-99.

Claim 150 is met as previously discussed with respect to claim 100.



Claim 151 is met as previously discussed with respect to claim 101.

Claim 152 is met as previously discussed with respect to claim 97.

Claim 153 is met as previously discussed with respect to claim 98.

Claim 154 is met as previously discussed with respect to claim 104.

Claim 155 is met as previously discussed with respect to claim 100.

Claim 156 is met as previously discussed with respect to claims 87-89.

Claims 157-158 are met as previously discussed with respect to claims 107-108.

As to claim 159, the claimed “an interactive media guide system for allowing user to access media...comprising...” contains the same structural elements that were discussed in the rejection of claim 84.

Claim 160 is met as previously discussed with respect to claim 85.

Claim 161 is met as previously discussed with respect to claim 86.

Claims 162-164 are met as previously discussed with respect to claims 87-89.

Claim 165 is met as previously discussed with respect to claim 90.

Claims 168-171 are met as previously discussed with respect to claims 93-96.

Claims 172-174 are met as previously discussed with respect to claims 97-99.

Claim 175 is met as previously discussed with respect to claim 100.

Claim 176 is met as previously discussed with respect to claim 101.

Claim 177 is met as previously discussed with respect to claim 97.

Claim 178 is met as previously discussed with respect to claim 98.

Claim 179 is met as previously discussed with respect to claim 104.

Claim 180 is met as previously discussed with respect to claim 100.

Claim 181 is met as previously discussed with respect to claims 87-89.

Claims 182-183 are met as previously discussed with respect to claims 107-108.

4. Claims 91-92, 116-117, 141-142 and 166-167 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ohkura et al (5,737,029)** in view of **Knowles et al (6,505,348)** as applied to claims 90, 115, 140 and 165 above, and further in view of **Hendricks et al (5,798,785)**.

As to claims 91-92, 116-117, 141-142 and 166-167, Ohkura as modified by Knowles teach providing media indicators in response to the user selecting a media group option and further teach providing promotional (see Knowles, fig.3-4, col.13, line 53-col.14, line 13, col.15, lines 56-61 and col.17, lines 10-64) media indicators in response to the user selecting the media group option, but fail to explicitly teach recommendations media group option.

However, in the same field of endeavor, Hendricks teaches recommendations (suggesting of programs) media group options (col.28, line 66-col.29, line 25, lines 49-65 and col.33, line 66-col.34, line 19).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hendricks into the system of Ohkura as modified by Knowles to recommend or suggest programs, channels, media groups, etc., to the user and provide alternate services to the user, in situation where the requested service is unavailable.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Dunn (6,668,377) discloses system for previewing video trailers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.

  
**Annan Q. Shang.**

  
**CHRIS KELLEY**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER, 2000